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June 13, 2013

**Via Next Day Air**

Honorable Kenneth M. Karas  
United States District Judge  
Southern District of New York  
United States Courthouse  
300 Quarropas Street, Chambers 533  
White Plains, NY 10601

**RE: *Deskovic v. City of Peekskill, et al.*, 07-CV-8150(KMK)**

Dear Judge Karas:

I write on behalf of Plaintiff Jeffrey Deskovic in response to the June 6, 2013 letter from John Walsh on behalf of Putnam County, and the May 7, 2013 letter from Richard Nicollelo on behalf of New York Municipal Insurance Reciprocal (NYMIR).

We agree with Putnam County that it would be premature for the Court to set a summary judgment briefing schedule in the third-party action brought by NYMIR. In addition to the reasons already laid out by Mr. Walsh in his letter, summary judgment is also premature because: (1) Mr. Deskovic signed a waiver of service and thus his answer, and any potential counterclaim, is not even due until July 8, 2013; and (2) Mr. Deskovic does not appear to have received a complete copy of any of the primary policies issued to Putnam County by NYMIR between January 1, 1995, and at least August 1, 2006. Therefore, Mr. Deskovic respectfully requests that the Court defer setting any further schedule in this third party action at least until Mr. Deskovic has responded to the NYMIR Complaint.<sup>1</sup>

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<sup>1</sup> I note also that the June 6, 2013 letter from Putnam County requested a copy of the letter that Mr. Deskovic sent to the Court to narrow his claims against Defendant Stephens. We have provided that letter to Mr. Walsh directly.

Respectfully submitted,

Nick Brustin

cc: All counsel

Granted

So ordered-

A MK

6/17/13